



**STAFF REPORT
PB 13-12
BOARD OF COMMISSIONERS
MARCH 20, 2017**

APPLICATION SUMMARY

Property Owner: Moyock Land Company LLC % Chip Friedman 3500 Virginia Beach Blvd Ste 600 Va Beach VA 23452	Applicant: Hassell & Folkes, PC % Stuart Bonnell 325 Volvo Parkway Chesapeake VA 23320
Case Number: PB 13-12	Application Type: Preliminary Plat/Use Permit
Parcel Identification Number: 0015-000-0079-0000	Existing Use: Cultivated Farmland, Woodlands
Land Use Plan Classification: Full Service	Parcel Size (Acres): 27.341
Moyock SAP Classification: Full Service	Type of Subdivision: Conservation
Number of Units: 55	Project Density: 2 units/acre
Required Conservation Area (Acres): 10.94 (40%)	Provided Conservation Area (Acres): 11.22 (41%)

STAFF ANALYSIS

On March 17, 2014 the Board of Commissioners approved the conditional rezoning of this property from AG (Agricultural) to C-SFM (Conditional-Single Family Mainland). The conceptual plan (attached) approved as a part of the conditional rezoning allowed for 55 lots and the proposed layout is consistent with this subdivision request.

It should be noted that the applicant held a community meeting for this request on September 27, 2016. A procedural error was made as staff was not invited to attend the meeting; however, staff understands that the meeting was well attended and a summary of the meeting is attached.

It is also important to note that the plat calls out several areas of potential wetlands on the property. The applicant states that the wetland delineation is “currently in process by others”. Wetland verification as certified by the US Army Corps of Engineers is required upon preliminary plat submittal. The conceptual plan approved as part of the conditional rezoning indicated the potential wetland size of .08 acres was to be filled. A Nationwide Permit issued by the US Army Corps of Engineers is necessary prior to filling any wetlands. If a fill permit is not issued, the wetland area must be placed into a primary conservation area.

Finally, it is important to note that according to NCDOT Moyock Commons Drive does not meet their Design and Construction Standards and has not been accepted for maintenance. The UDO requires the new subdivision to connect to an improved street that meets NCDOT Design and Construction Standards or one that has been accepted for maintenance by NCDOT. While the existing improved portion of Moyock Commons Drive met the NCDOT Design and Construction Standards at the time of installation, it no longer meets those standards as required by the UDO. Therefore, Moyock Commons Drive in its entirety (approximately 850’) must be improved to the current NCDOT Design

and Construction Standards or be accepted by NCDOT for maintenance prior to approval of the final plat.

INFRASTRUCTURE	
Water	Public
Sewer	Public
Transportation	Pedestrian: 5' concrete sidewalk along both sides of all streets
	External Street Connectivity: 3 connection points
Stormwater/Drainage	Drainage concerns have been noted in this area. The development will be constructed and maintained so that adjacent lands are not unreasonably burdened with surface waters as a result of the development. Among other things, the applicant is proposing improvements along E Street including a new culvert under Puddin Ridge Road to increase the drainage efficiency of Ditch #4 and small diameter stub pipes to drain ditches from 189 Pudding Ridge Road that would otherwise be blocked by the proposed pond outfall pipe.
Schools	Elementary Students Generated: 13.75
	Middle School Students Generate: 4.4
	High School Students Generated: 7.7
Design Standards	Per the conditional rezoning approval, all residential dwellings shall be constructed either with a crawl space or on raised slabs with a finished floor at least 16" above the outside ground grade.
Lighting	None proposed at this time.
Landscaping	The applicant is proposing compliant street trees, a Type A Buffer along the northern property line, and additional supplemental vegetation.
Recreation and Park Area Dedication	The county will be accepting a fee-in-lieu of parkland dedication. (Approximately \$4,720)

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends adoption of the use permit and approval of the preliminary plat subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO provided the following items are addressed:
 - a. Please provide the wetland delineation approved by the Army Corps of Engineers. If the .08 acres of wetlands are to be filled, a Nationwide Permit issued by the US Army Corps of Engineers is necessary prior to filling any wetlands. (Planning)
 - b. Since Moyock Commons Drive does not meet NCDOT Design and Construction Standards and is not under NCDOT maintenance, the entire Moyock Commons Drive (from the subject property line to Caratoke Highway – approximately 850') must be improved to meet current NCDOT Design and Construction Standards OR be accepted by NCDOT for maintenance prior to approval of the final plat. (Planning)
 - c. Calculations and details of stormwater, sewer, and water will be reviewed at Construction Drawing submittal. (Engineering)

- d. Provide accessible parking or passenger loading zone at Cluster Mailbox Unit (CMU) location and accessible route to the CMU. (Building Inspector)
2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. Please provide the wetland delineation approved by the Army Corps of Engineers. If the .08 acres of wetlands are to be filled, a Nationwide Permit issued by the US Army Corps of Engineers is necessary prior to filling any wetlands. If a fill permit is not issued, the wetland areas must be placed into a primary conservation area. (Planning)
 - b. Since Moyock Commons Drive does not meet NCDOT Design and Construction Standards and is not under NCDOT maintenance, the entire Moyock Commons Drive (from the subject property line to Caratoke Highway – approximately 850') must be improved to meet current NCDOT Design and Construction Standards OR be accepted by NCDOT for maintenance prior to approval of the final plat. (Planning)
 - c. That all conditions placed on the property through the conditional rezoning approval are incorporated into this request: (Planning)
 - i. Minimum rear yard setback for all residential lots along the perimeter boundary shall be as shown on plan. These setbacks shall apply to all principal uses but shall not apply to fences or accessory structures. In no instance shall setbacks be less than allowed by the UDO.
 - ii. Prior to any land disturbing activities within the development, the property owner shall conduct a tree inventory plan as required by Section 7.2 of the UDO. The purpose of said plan shall be to identify the number and location of any heritage trees present and the methods by which they will be preserved.
 - iii. That an effort be made to work with the owner of the existing commercial shopping center to extend a sidewalk from the proposed development to the shopping center.
 - iv. The property shall be developed in accordance with the Conceptual Development Plan dated December 26, 2013.
 - v. On-street parking shall be prohibited by the provision of signage.
 - vi. The location of rights-of-way, open space areas, setbacks, and stormwater management areas shall be as generally shown on the approved conceptual development plan.
 - vii. The developer agrees that stormwater management for the improvements resulting from this application shall not exceed pre-developed discharge rates as allowed by ordinance. Such improvements shall be identified by means of a preliminary drainage impact study to be provided by the developer and approved by the county prior to submittal of the preliminary subdivision plat. As an alternative, at the developer's discretion, downstream improvements to include ditch regarding and cleaning, piping and the purchase of any required easements for the conveyance of stormwater may be accomplished in accordance with a county approved plan.
 - viii. All residential dwellings shall be constructed either with crawl spaces or on raised slabs (finished floor at least 16 inches above outside ground grade).
 - ix. The use of prefabricated structures or trailers as dwellings shall be strictly prohibited.

SURROUNDING PARCELS		
	Land Use	Zoning
North	Residential/Retail	SFM, AG, GB
South	Residential	SFM
East	Active Farmland/Undeveloped	AG
West	Residential	SFM

USE PERMIT REVIEW STANDARDS

A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary findings

The use will not endanger the public health or safety.

- Applicant Findings:
1. The project would not adversely affect public safety. In compliance with preliminary plat review comments from the Albemarle Regional Health Services approvals for wastewater treatment and disposal from the NC Division of Water Quality (Washington Office) and Moyock Regional Water System would be obtained prior to construction.
 2. This project would not adversely affect public safety. All state and county approvals would be obtained prior to construction.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

- Applicant Findings:
1. Moyock Commons will not injure the value of abutting lands and will be in harmony with the area in which it is located.
 2. Along the west boundary (boundary parallel to Puddin Ridge Road), the proposed development would be bordered by a rural residential unit located within the Moyock Sub-Area which fronts on Puddin Ridge Road. Within Moyock Commons, proposed Lake #1 and a 25-LF wide tree area combine to create an approximate 400-LF wide conservation area buffer against the residential unit.
 3. Along the north-east boundary (boundary parallel to Route 168), the proposed development would be bordered by various uses consisting of 5-residential lots within the Moyock Sub-Area; and various parcels zoned general business which are used for retail and utility related operations with the Moyock sub-Area. Within Moyock Commons, proposed Lake #2 and a various width Type-A, Landscape Buffer would create a conservation area against the adjacent uses.
 4. Along the east boundary, Moyock Commons would be bordered by active, agricultural property.
 5. Along the south-east boundary (boundary parallel to Quail Run Road), the proposed development would be bordered by various uses consisting of dense forest and active, agricultural property. Within Moyock Commons, a Vegetated Farm Buffer is proposed along the active agricultural property.
 6. Moyock Commons proposed ingress/egress is via extension of existing Moyock Commons Drive. A roadway connection to E Street is not permitted.

Applicant Findings:

1. Moyock Commons would be located within the Moyock Sub-Area. With respect to the Moyock Sub-Area, excerpts from the land use plan follow:
 - a. The Moyock area is the fastest growing part of Currituck County. Development densities currently range from 1 to 3 units per acre depending upon development type. It is coming under increasing development pressure as a “bedroom community” for the Tidewater Area of Virginia.
 - b. “...However, in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.
 - c. Clustered housing developments with open space required by ordinance will need to be encouraged.
2. For Moyock Commons, the relevant and supportive 2006 Land Use Plan policies are found to be as follows:
 - a. POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
 - b. POLICY HN2: The county shall therefore engage alternatives to large lot developments through innovative development concepts and corresponding zoning techniques.
 - c. POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 - i. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Land Use Map.
 - d. POLICY HN8: To protect the county’s tax base and to ensure the long-term viability of the county’s neighborhoods and housing stock, the county will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards.
 - e. POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street “connectivity” without creating opportunities for cut-through traffic from outside the connected areas
 - f. POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning.
 - g. POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development, and (4) away from environmentally sensitive areas.

- h. POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.
- i. POLICY WQ3: Currituck County supports policies, plans, and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.
- j. POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry, and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.
- k. POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. If COASTAL AND NON-COASTAL WETLANDS are considered part of the lot's acreage for the purpose of determining minimum lot size or development density, Low Impact Development techniques or appropriate buffers shall be integrated into the development. Open space developments shall be encouraged to REDUCE IMPERVIOUS SURFACE AREAS associated with new development and redevelopment.
- l. POLICY WQ7: The environmental benefits of properly designed, VEGETATED ROADSIDE DRAINAGE SWALES shall be recognized. Curb and gutter shall be reserved to developments that are urban in character and that are served by adequate stormwater collection, retention, and slow release facilities.
- m. POLICY CA6: To foster an improved community appearance, promote public safety, and help prevent service outages, the placement of UTILITY WIRES UNDERGROUND shall be encouraged in all public and private developments.

Preliminary Staff Findings

- 1. The plan is consistent with policies in the Moyock Small Area Plan including:
 - a. POLICY FLU1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design, and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

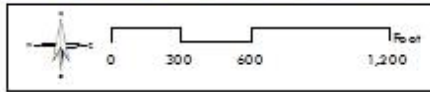
Applicant Findings:


- 1. Currituck County has adequate public facilities to serve the proposed subdivision.

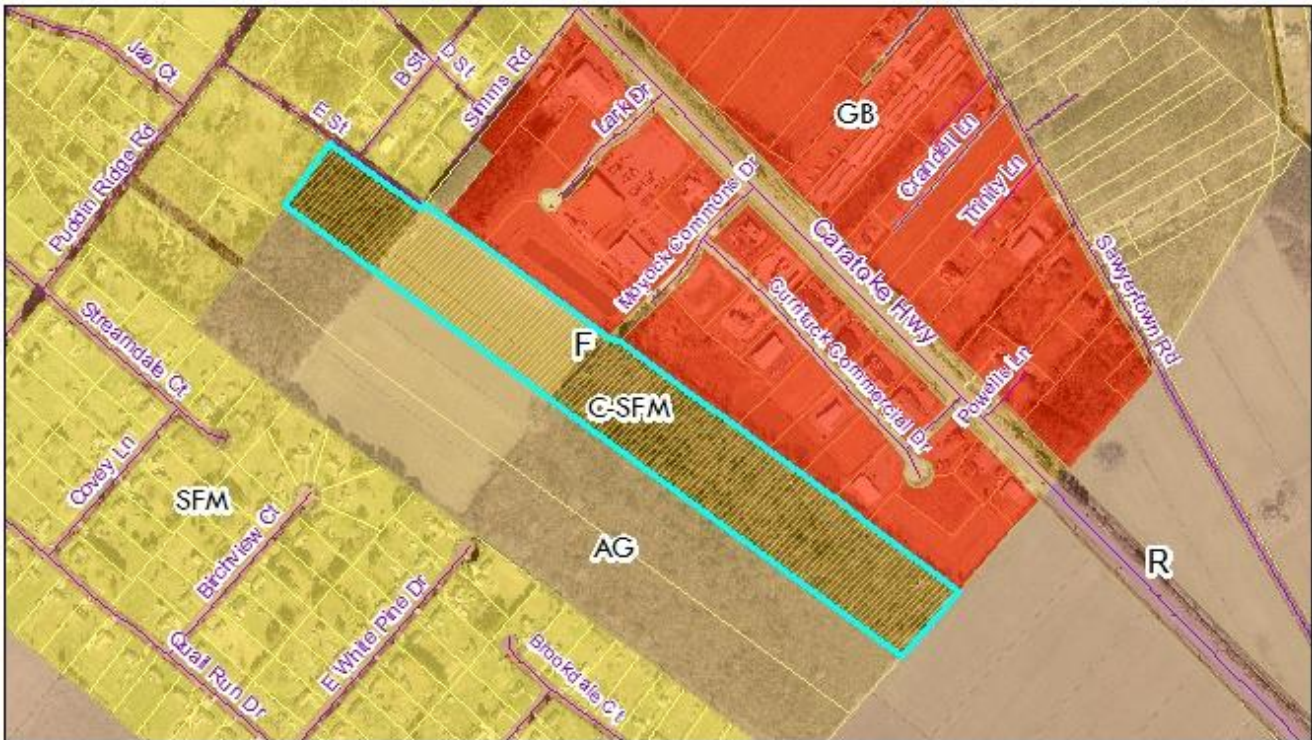
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
 Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



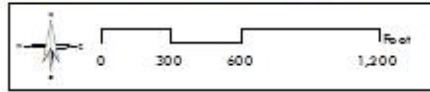
PB 13-12 Moyock Commons, Phase 1
Preliminary Plat/Use Permit
Aerial Photography




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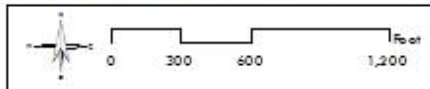
PB 13-12 Moyock Commons, Phase 1
Preliminary Plat/Use Permit
Zoning




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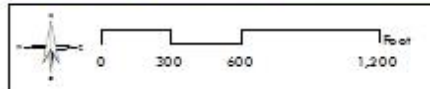
PB 13-12 Moyock Commons, Phase 1
 Preliminary Plat/Use Permit
 Land Use Plan Classification




 Currituck County
 Planning and
 Community Development



PB 13-12 Moyock Commons, Phase 1
 Preliminary Plat/Use Permit
 Moyock Small Area Plan Classification



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